



Open and Public Meetings Act



Training

May 20, 2009

**All meetings are open to the
public, unless closed as
provided by law**

Utah Code 52-4-201

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A meeting is ...

- ▶ the convening of a public body
- ▶ with a quorum present
- ▶ to discuss, receive public comments, or act upon a matter over which the public body has jurisdiction or advisory power

A meeting also includes ...

- ▶ a workshop
- ▶ an executive session
- ▶ an electronic meeting

A meeting does not include ...

- ▶ a chance meeting
- ▶ a social meeting

Utah Code 52-4-103

A meeting is ...

- ▶ the convening of a **public body**
- ▶ with a quorum present
- ▶ to discuss, receive public comments, or act, upon a matter over which the public body has jurisdiction or advisory power

Utah Code 52-4-103

A public body is ...

- ▶ any administrative, advisory, executive, or legislative body of the state or a political subdivision of the state;
- ▶ created by the Utah Constitution, statute, rule, ordinance, or resolution;
- ▶ consists of two or more people;
- ▶ expends, disburses, or is supported (in whole or in part) by tax revenue; and
- ▶ is vested with the authority to make decisions regarding the public's business.

A public body includes ...

- ▶ committee meetings
- ▶ commissions;
- ▶ task forces;
- ▶ oversight panels

A public body does not include ...

- ▶ a political party
- ▶ a political group
- ▶ a political caucus
- ▶ a conference committee, rules committee, or a sifting committee of the Legislature

**All meetings are open to the
public unless closed as
provided by law**

Utah Code 52-4-201

A meeting may be closed...

- ▶ to discuss the character, professional competence, or physical or mental health of an individual;
- ▶ for a strategy session to discuss collective bargaining, pending or reasonably imminent litigation, or, under certain circumstances, the sale, purchase, exchange, or lease of real property;
- ▶ to discuss the deployment of security personnel, devices, or systems;

A meeting may be closed...

(continued)

- ▶ for an investigative proceeding regarding allegations of criminal conduct; or
- ▶ for a county legislative body to discuss commercial information.

Utah Code 52-4-205

Before a meeting may be closed...

- ▶ a quorum must be present
- ▶ 2/3 of the members of the public body who are present must vote to close the meeting
- ▶ the vote to close the meeting must take place at an open meeting for which proper legal notice has been given

Other requirements for closed meetings...

The following must be publically announced and entered into the minutes of the open portion of the meeting:

- ▶ the reasons for closing the meeting;
- ▶ the location of the closed meeting; and
- ▶ the vote, by name, of each person who voted for or against the motion to close the meeting.

Utah Code 52-4-204

Other requirements for closed meetings...

(continued)

The meeting must be recorded, unless it is solely for the purpose of:

- ▶ discussing the character, professional competence, or physical or mental health of an individual; or
- ▶ discussing the deployment of security personnel, devices, or systems.

Notice Provisions for Public Meetings...

- ▶ must give at least 24 hours advance public notice, including the agenda, date, time, and place
- ▶ notice must be posted at the principal office of the public body, or, if none exists, where the meeting will be held
- ▶ notice must be posted on the Utah Public Body Website
- ▶ exceptions exist for emergency meetings

Minutes and Recording of Open Meetings...

- ▶ written minutes, meeting certain criteria, are required
- ▶ a recording of the meeting, meeting certain criteria, is required
- ▶ minutes and recordings are subject to GRAMA
- ▶ a recording is not required for a site visit or a traveling tour if no vote or action is taken by the public body

Enforcement

- ▶ A court may void any final action taken by a public body in violation of the Open and Public Meetings Act.
(Utah Code 52-4-302)
- ▶ A suit may be brought to compel compliance, and the court may award attorney fees and costs if the plaintiff prevails.
(Utah Code 52-4- 303)

Enforcement

(continued)

- ▶ A court may order public disclosure of the discussion held at an illegally closed meeting
(Utah Code 52-4-303)
- ▶ A member of a public body who knowingly or intentionally violates, or abets or advises, a violation of the Open and Public Meetings Act, is guilty of a Class B misdemeanor.
(Utah Code 52-4-305)

Thank you.

